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Merchant & Gould

An Intellectual Property Law Firm

Merchant & Gould P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2215

A Professional Corporation

Fax Transmission | 3 January 2008

TO: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

FROM: Mark T. Skoog

OUR REF: 00878.0052USWO

TELEPHONE: 612.371.5240

Total pages, including cover letter: 18

PTO FAX NUMBER 1-571-273-8300

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted: Petition to Withdraw Holding of Abandonment, or
Alternatively, Petition for Revival of an
Application for Patent Abandoned
UnintentionallyApplicant: FLETCHER et al.
Serial No.: 10/576,983
Filed: 24 April 2006
Group Art Unit: Unknown
Our Ref. No. 00878.0052USWO
Confirmation No. 7242Please charge Deposit Account No. 13-2725 for the following item(s): \$65.00 for Surcharge, -
Late filing fee or oath or declaration, \$770.00 for Petition to revive unintentionally abandoned
application. Please charge any additional fees or credit overpayment to Deposit Account No. 13-
2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of
months to enter these papers, if appropriate.

By:

Name: Mark T. SkoogReg. No.: 40,178I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and
Trademark Office on the date shown below.

Casey Caron

Signature

Date

GEN003.DOT

S/N 10/576,983

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FLETCHER et al.	Examiner:	Unknown
Serial No.:	10/576,983	Group Art Unit:	Unknown
Filed:	24 April 2006	Docket No.:	00878.0052USWO
Due Date:		Conf. No.:	
Title:	TABLEWARE-WASHING PROCESS INCLUDING A BIOCID		

**RECEIVED
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JAN 03 2008**CERTIFICATE UNDER 37 C.F.R. 1.60(d)I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on 3 January 2008.By: Casey J. Caron
Name: Casey J. Caron

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 C.F.R. 1.181) OR,
ALTERNATIVELY, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY (37 CFR 1.137)**

Mail Stop PCF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is in response to the Notice of Abandonment mailed 10 December 2007. The Notice of Abandonment states that the application is abandoned for failure to timely file a response to the Notification of Missing Requirements. Withdrawal of the abandonment or, alternatively, revival of the application is respectfully requested for the following reasons.

Applicants submitted a response to the Notice of Missing Requirements on 14 December 2006. Enclosed is a copy of the original filed documents as printed out from the Patent Office website:

- Exhibit A: Transmittal of Documents Filed
- Exhibit B: Communication Regarding Missing Requirements
- Exhibit C: Signed Declaration
- Exhibit D: Notification of Missing Requirements
- Exhibit E: Copy of Stamped Return Post Card

Applicants note that the Patent Office incorrectly matched the filed documents to the wrong Serial Number (10/576,963) and therefore our application went abandoned for failure to reply.

The enclosed copy of the print-out from the Image File Wrapper of the incorrect serial number indicated that the Applicant's response was timely filed on 14 December 2006 before the two-month deadline of 20 January 2007. Applicants note that the Serial Number on the Transmittal form was incorrect, however, the Confirmation number on the form was correct as was the Serial Number on the Communication Regarding Submission of Missing Requirements and a copy of the Notification of Missing Requirements was submitted with the response.

Applicants respectfully request that the holding of Abandonment be withdrawn due to the fact that their response was timely filed with the Patent Office. Due to an error on one out of four forms filed the Patent Office mis-routed the applicant's response.

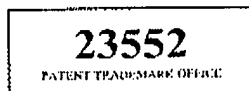
Applicant's respectfully request that the enclosed originally filed documents be entered into the above matter therefore completing all requirements for this matter. Please charge our Deposit Acct. No. 13-2725 in the amount of 65.00 for the Missing Requirements completion fee.

Alternatively, if the Petition to Withdraw Holding of Abandonment is found insufficient, please consider this a Petition for Revival of an application for Patent Abandoned Unintentionally. Please charge our Deposit Account No. 13-2725 any fees associated with the Petition. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 was unintentional. Revival of the application is respectfully requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Mark T. Skoog (Reg. No. 40,178), at (612) 371-5240.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Dated: 3 January 2008

MTS/cjc

By

A handwritten signature in black ink, appearing to read 'Mark T. Skoog'. Below the signature, the name 'Mark T. Skoog' and 'Reg. No. 40,178' are printed.

Mark T. Skoog
Reg. No. 40,178

IAP6 Rec'd PCT/PTO 19 DEC 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FLETCHER et al.	Examiner:	Unknown
Serial No.:	10/576,963	Group Art Unit:	Unknown
Filed:	24 April 2006	Docket:	00878.0052USWO
Confirmation No.:	7242	Notice of Allow.	N/A
		Date:	
Due Date:	20 January 2007		
Title:	TABLEWARE-WASHING PROCESS INCLUDING A BIOCID		

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CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on 19 December 2006.

By: 

Name: Casey Caron

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

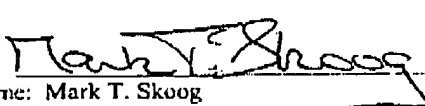
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Requirements Under 35 U.S.C. 371
- ☒ Small entity status has been previously established
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Please charge the Deposit Acct. No. 13-2725 in the amount of \$65.00 for Submission of Missing Requirements
- ☒ Other: Communication Regarding Submission of Missing Requirements
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Mark T. Skoog
Reg. No.: 40,178
MTS/cjc

12/21/2006 GFREY1 00000065 132725 10576963
01 FC:2617 65.00 DA

(PTO TRANSMITTAL - GENERAL)

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PATENT

S/N 10/576,983

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FLETCHER et al.	Examiner:	Unknown
Serial No.:	10/576,983	Group Art Unit:	Unknown
Filed:	24 April 2006	Docket No.:	00878.0052USWO
Title:	TABLEWARE-WASHING PROCESS INCLUDING A BIOCID		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 14 December 2006.

By: 

Name: Casey Caron

COMMUNICATION REGARDING SUBMISSION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney. Please charge our Deposit Acct. No. 13-2725 in the amount of \$65.00 to cover the Missing Requirements completion fee.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

23552

PATENT TRADEMARK OFFICE

Dated: 14 December 2006By: 

Mark T. Skoog
Reg. No. 40,178

MTS/cjc

Attorney Docket No. 00878.0052USWO

MERCHANT & GOULD P.C.

United States Patent Application

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COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: TABLEWARE-WASHING PROCESS INCLUDING A BIOCIDES

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on 24 April 2006 (Attorney Docket No. 00878.0052USWO) as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/IB2004/052178 filed 22 October 2004 and as amended on 16 August 2005 (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
South Africa	2003/8306	24 October 2003	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

BEST AVAILABLE COPY

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

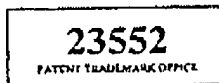
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(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name FLETCHER	First Given Name Clive	Second Given Name Robert
0	Residence & Citizenship	City Kempton Park	State or Foreign Country South Africa	Country of Citizenship South Africa
1	Mailing Address	Address c/o 3 Waterpas Street, Isando, Ext. 3	City Kempton Park	State & Zip Code/Country 1600/South Africa
Signature of Inventor 201:			Date: 27.6.2006	
2	Full Name Of Inventor	Family Name MACKAY	First Given Name Donald	Second Given Name Alexander
0	Residence & Citizenship	City Highway Gardens	State or Foreign Country Edenvale	Country of Citizenship South Africa
2	Mailing Address	Address 4 Ockert Avenue	City Highway Gardens	State & Zip Code/Country Edenvale 1609/South Africa
Signature of Inventor 202:			Date: 27.6.2006	

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Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/576,983	FIRST NAMED APPLICANT Clive Robert Fletcher	ATTY. DOCKET NO. 008780052USWO ✓
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INTERNATIONAL APPLICATION NO. PCT/IB04/52178

I.A. FILING DATE 10/22/2004	PRIORITY DATE 10/24/2003
--------------------------------	-----------------------------

CONFIRMATION NO. 7242
371 FORMALITIES LETTER



OC000000021286560

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MTS

Miss Req 2 Mo: January 20, 2007
Miss Req 3/PTA: February 29, 2007
Miss Req STAT: May 20, 2007 ✓

Date Mailed: 11/20/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/24/2006
- Copy of the International Search Report filed on 04/24/2006
- Copy of IPE Report filed on 04/24/2006
- Copy of Annexes to the IPE filed on 04/24/2006
- Preliminary Amendments filed on 04/24/2006
- Information Disclosure Statements filed on 04/24/2006
- Oath or Declaration filed on 04/24/2006
- Small Entity Statement filed on 04/24/2006
- Request for Immediate Examination filed on 04/24/2006
- U.S. Basic National Fees filed on 04/24/2006
- Priority Documents filed on 04/24/2006
- Specification filed on 04/24/2006
- Claims filed on 04/24/2006
- Abstracts filed on 04/24/2006
- Drawings filed on 04/24/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

Page 2 of 2
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- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/576,983	PCT/IB04/52178	008780052USWO

FORM PCT/DO/EO/905 (371 Formalities Notice)

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: FLETCHER et al.

For: TABLEWARE-WASHING PROCESS INCLUDING A BIOCHIE

Docket No.: 00878.0052USWO

Filed: 24 April 2006

Serial No.: 10/576,963

Due Date: 20 January 2007

Date Mailed: 14 December 2006

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Requirements Under 35 U.S.C. 371
- ☒ Small entity status has been previously established
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Please charge the Deposit Acct. No. 13-2725 in the amount of \$65.00 for Submission of Missing Requirements
- ☒ Other: Communication Regarding Submission of Missing Requirements
- ☒ Return postcard

Patent

MTS/eje

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: FLETCHER et al.

For: TABLEWARE-WASHING PROCESS INCLUDING A BIOCHIE

Docket No.: 00878.0052USWO

Filed: 24 April 2006

Serial No.: 10/576,963

Due Date: 20 January 2007

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- ☒ Other: Communication Regarding Submission of Missing Requirements
- ☒ Return postcard

Patent

MTS/eje

LAP6 Rec'd PCT/PTO 19 DEC 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1480
 Alexandria, Virginia 22313-1470
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/576,983	FIRST NAMED APPLICANT Clive Robert Fletcher	ATTY. DOCKET NO. 00878.0052USWO
INTERNATIONAL APPLICATION NO. PCT/IB04/52178		
LA FILING DATE 10/22/2004	PRIORITY DATE 10/24/2003	

23552
 MERCHANT & GOULD PC
 P.O. BOX 2903
 MINNEAPOLIS, MN 55402-0903

MTS

CONFIRMATION NO. 7242
 371 ABANDONMENT/TERMINATION
 LETTER



0000000027100702

Date Mailed: 12/10/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/20/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221